

## **815 KAR 7:070. The Kentucky Certified Building Inspector Program.**

RELATES TO: KRS 198B.010(6), 198B.040(3), 198B.050(3)(c), (6), 198B.060, 198B.090, 198B.095

STATUTORY AUTHORITY: KRS 198B.050(5), 198B.090(1)(a), 198B.095(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.090(1)(a) requires the office to create and administer a building inspector's certification program which is designed to ensure uniform statewide enforcement of applicable state building codes. KRS 198B.050(5) requires the board to promulgate administrative regulations necessary to implement the Uniform State Building Code. KRS 198B.095(1) authorizes the board to promulgate an administrative regulation to establish a building inspector training program. This administrative regulation establishes the testing, training, and continuing education requirements for qualifying persons to become inspectors for the enforcement of the Kentucky Building Code, the Kentucky Residential Code, and to identify the level of their responsibilities for this enforcement.

Section 1. Definitions. (1) "Certified building inspector" is defined by KRS 198B.010(6).

(2) "Enrolled" means an applicant has complied with the requirements established in Section 4(1) of this administrative regulation.

(3) "ICC test module" means a test module, from the International Code Council, that is used to meet the module testing requirements established in Section 7 of this administrative regulation.

(4) "Limited certificate" means a document establishing that a person:

(a) Has passed the test for competency in one (1) or more NCPCCI or ICC test modules; and

(b) Is qualified to engage in the type of limited inspections listed on the certificate which represents the level of competency for which the person was tested.

(5) "NCPCCI test module" means a test module, from the National Certification Program for Construction Code Inspectors, developed by the national code enforcement organizations for the purpose of providing nationally-recognized evidence of competency and professionalism in construction code enforcement and used to meet the module testing requirements established in Section 7 of this administrative regulation.

(6) "Trainee" means a person who is enrolled in the building inspector program of the department, but has not completed the NCPCCI or ICC test modules necessary to be a Kentucky certified building inspector.

Section 2. Inspection Operations. (1) Each governmental entity engaged in a building inspection program shall have, in responsible charge of all construction document approvals, inspections and issuance of certificates of occupancy, at least one (1) Kentucky certified building inspector with the level of credentials required for the buildings covered by the program.

(2) A trainee may be utilized in a building inspection program. If a trainee is utilized in a building inspection program, the trainee shall operate under the general supervision of a Kentucky certified building inspector.

(a) A trainee shall not issue a permit, construction document approval letter, inspection compliance letter, or certificate of occupancy.

(b) A trainee holding a current limited certificate shall exercise only the duties authorized by that certificate.

(c) A limited certificate shall not be available to persons who apply after March 22, 2001.

Section 3. Training and Testing Requirements to Become Certified. A candidate seeking

certification shall comply with the provisions of this section.

(1) A candidate seeking to become certified pursuant to this administrative regulation and all trainees shall be required to attend orientation training, provided or approved by the department pursuant to subsection (2)(d) of this section. The training sessions shall be given quarterly.

(2) Continuing education.

(a) Continuing education programs shall be conducted by:

1. The department;
2. The Code Administrators Association of Kentucky (CAAK); or
3. A provider that is approved by the department pursuant to paragraph (d) of this subsection.

(b) The board may fund a continuing education program through the Building Inspectors' Financial Incentive Training Program Fund.

(c) A candidate seeking certification or a trainee seeking to continue as a trainee shall:

1. Complete a minimum of twelve (12) hours of continuing education training annually; and
2. Submit verification of completion on either:
  - a. Continuing Education Verification Form, DHBC BC/CE-1; or
  - b. A certificate of completion provided by a pre-approved training provider.

(d)1. A provider shall submit a completed Continuing Education Course Approval Request Form, DHBC-BC/CE 2 to the department no less than thirty (30) days prior to the date the educational program will be offered.

2. The program shall be recognized as approved training for the Kentucky Certified Building Inspector Program if the program:

a. Relates to the general business skills or the technical skills required of a certified inspector;

b. Contains sufficient educational content to improve the quality of a certified inspector's performance; and

c. Includes a course evaluation.

3. The written request shall include the following:

- a. The total number of continuing education hours;
- b. Course syllabus;
- c. A detailed outline of the contents of the course;
- d. Name and address of the vendor;
- e. Name, address, and qualifications of each instructor;

f. Program agenda with written description of class material which clearly identifies that the educational content relates to the general business skills or the technical skills required of a certified inspector which would improve the quality of the certified inspector's performance; and

g. Location and keeper of class attendance verification list, which shall be available for at least twelve (12) months after completion of the educational program. The department shall be electronically advised of attendees and course completions.

(3) The commissioner shall waive the time requirements established in this administrative regulation for hardships shown or if circumstances warrant a waiver due to changes in testing procedures, standards, or dates.

Section 4. Application for Training and Certification. (1) To become a trainee or a candidate for certification, a person shall submit:

(a) A completed Initial Application Form, DHBC BC/CP-1;

(b) A fifty (50) dollar application fee; and

(c) Written proof that the applicant has met the requirements established in subsection (2) of

this section.

(2) An applicant shall have:

(a) 1. Graduated from high school or earned a general education diploma; and

2.a. Three (3) years experience in a responsible, directly-related construction position, such as a foreman, which required the ability to effectively read and interpret building plans and specifications; or

b. Three (3) years experience in an architect's or engineer's office performing building design or drafting duties;

(b) Graduated from a college or university with an associate degree in a design, building technology or construction-related subject; or

(c) Graduated from a college or university with a bachelor's degree in architecture, engineering, fire science, or building technology.

(3) A person shall not engage in inspection activities for the enforcement of the Kentucky Building Code or the Kentucky Residential Code, 815 KAR 7:125, unless that person is currently enrolled with the department and has otherwise complied with the requirements of this administrative regulation.

Section 5. Renewal and Reinstatement. (1) A certified inspector or trainee, including an inspector holding a limited certificate, shall pay an annual renewal fee of fifty (50) dollars not later than the last day of the certified inspector or trainee's birth month annually.

(a) A late fee of fifty (50) dollars shall be assessed if renewal is not postmarked by the last day of the certified inspector or trainee's birth month.

(b) If a certified inspector or trainee fails to renew ninety (90) days after the last day of that person's birth month, certification shall terminate.

(2)(a) A reinstatement fee for a terminated certification shall be equal to the renewal fee and shall be paid in addition to the renewal fee.

(b) A terminated certification may be reinstated if application is made within three (3) years from the date of termination and shall not require examination for reinstatement.

Section 6. Inactive License Certification. (1) A certified inspector or an inspector holding a limited certificate may request that the certification be placed in an inactive status and shall:

(a) Not perform an inspection while the certification is inactive;

(b) Pay an inactive fee of one-half (1/2) of the renewal fee annually on or before the last day of the certified inspector's birth month; and

(c) Not be required to obtain yearly continuing education during the inactive status. Within twelve (12) months prior to a request for re-activation, twelve (12) hours of continuing education shall be obtained.

(2) Upon a request to reactivate an inactive certification, an inspector shall pay one-half (1/2) the fee for an active certification.

Section 7. Certification Requirements, Responsibilities, and Jurisdiction for Inspectors.

(1) One (1) and two (2) family dwelling inspector.

(a) A person shall be classified as a one (1) and two (2) family dwelling inspector if the person has:

1. Been tested for competency under the Kentucky Residential Code, by passing the following:

a. NCPCCI test modules:

(i) Test 1A Building One- and Two-Family Dwelling; and

(ii) Test 4A Mechanical One- and Two-Family Dwelling; or

b. ICC test modules:

- (i) Test B1 Residential Building Inspector; and
- (ii) Test M1 Residential Mechanical Inspector; and

2. Complied with the requirements of this administrative regulation.

(b) A one (1) and two (2) family dwelling inspector shall be qualified to perform all functions related to the enforcement of the Kentucky Residential Code, including issuing permits, reviewing and approving construction documents, conducting on-site inspections, and issuing compliance letters and certificates of occupancy for the construction of one (1) and two (2) family dwellings and townhouses.

(2) Building inspector, level I.

(a) A person shall be classified as a building inspector, level I, if the person has:

1. Been tested for competency under the Kentucky Residential Code and the Kentucky Building Code, by passing the following:

a. NCPCCI test modules:

- (i) Test 1A Building One- and Two-Family Dwelling;
- (ii) Test 4A Mechanical One- and Two-Family Dwelling;
- (iii) Test 1B Building General; and
- (iv) Test 3B Fire Protection General; or

b. ICC test modules:

- (i) Test B1 Residential Building Inspector;
- (ii) Test B2 Commercial Building Inspector; and
- (iii) Test MI Residential Mechanical Inspector; and

2. Complied with the requirements of this administrative regulation.

(b) A building inspector, level I, shall be qualified to perform all functions related to the enforcement of the Kentucky Building Code and the Kentucky Residential Code, including issuing permits, reviewing and approving construction documents, conducting on-site inspections, and issuing compliance letters and certificates of occupancy for all buildings of the occupancy type and size assigned to local governments by KRS 198B.060(2).

(3) Building inspector, level II.

(a) A person shall be classified as a building inspector, level II, if the person has:

1. Been tested for competency under the Kentucky Residential Code and the Kentucky Building Code, by passing the following:

a. NCPCCI test modules:

- (i) Test 1A Building One- and Two-Family Dwelling;
- (ii) Test 4A Mechanical One- and Two-Family Dwelling;
- (iii) Test 1B Building General;
- (iv) Test 3B Fire Protection General; and
- (v) Test 4B Mechanical General; or

b. ICC test modules:

- (i) Test B1 Residential Building Inspector;
- (ii) Test B2 Commercial Building Inspector;
- (iii) Test M1 Residential Mechanical Inspector; and
- (iv) Test M2 Commercial Mechanical Inspector; and

2. Complied with the requirements of this administrative regulation.

(b) A building inspector, level II, shall be qualified to perform functions related to the enforcement of the Kentucky Building Code and Kentucky Residential Code for all buildings of the occupancy type and size assigned to local government under KRS 198B.060(2) including issuing permits, reviewing and approving construction documents, conducting on-site inspections, and issuing compliance letters and certificates of occupancy.

(c) A building inspector, level II, shall be qualified to conduct on-site inspections of all buildings which were assigned to the department pursuant to KRS 198B.060(4).

(4) Building inspector, level III.

(a) A person shall be classified as a building inspector, level III, if the person has:

1. Been tested for competency under the Kentucky Residential Code, Mechanical Code and the Kentucky Building Code, by passing the following:

a. NCPCCI test modules:

(i) Test 1A Building One- and Two-Family Dwelling;

(ii) Test 4A Mechanical One- and Two-Family Dwelling;

(iii) Test 1B Building General;

(iv) Test 3B Fire Protection General;

(v) Test 4B Mechanical General;

(vi) Test 1C Building Plan Review;

(vii) Test 3C Fire Protection Plan Review; and

(viii) Test 4C Mechanical Plan Review; or

b. ICC test modules:

(i) Test B1 Residential Building Inspector;

(ii) Test B3 Building Plans Examiner;

(iii) Test M1 Residential Mechanical Inspector; and

(iv) Test M3 Mechanical Plans Examiner; and

2. Complied with the requirements of this administrative regulation.

(b) A building inspector, level III, shall be qualified to perform all functions relating to the enforcement of the Kentucky Building Code and Kentucky Residential Code, including issuing permits, reviewing and approving construction documents conducting, on-site inspections and issuing compliance letters and certificates of occupancy for all buildings, regardless of size or occupancy type. A local inspector shall not be authorized to perform these functions on buildings assigned to the department by KRS 198B.060(4), except by petition to and approval of more inspection responsibility by the department pursuant to 815 KAR 7:110.

(5) Mechanical inspector, one (1) and two (2) family dwellings.

(a) A person shall be classified as a mechanical inspector of one (1) and two (2) family dwellings if the person has:

1. Been tested for competency under the Kentucky Residential Code by passing the:

a. NCPCCI Test 4A Mechanical One- and Two-Family Dwelling test module; or

b. ICC Test M1 Residential Mechanical Inspector test module; and

2. Complied with the requirements of this administrative regulation.

(b) A mechanical inspector of one (1) and two (2) family dwellings shall be qualified to perform all functions related to the enforcement of the mechanical requirements of the Kentucky Residential Code including conducting inspections of one (1) and two (2) family dwelling mechanical installations for compliance.

(6) Mechanical inspector general (other than one (1) and two (2) family dwellings).

(a) A person shall be classified as a mechanical inspector general if the person has:

1. Been tested for competency under the Mechanical Code, by passing:

a. NCPCCI Test 4B Mechanical General test module; or

b. ICC Test M2 Commercial Mechanical Inspector test module; and

2. Complied with the requirements of this administrative regulation.

(b) A mechanical inspector general shall be qualified to perform all functions related to the enforcement of the mechanical requirements of the Mechanical Code including management of mechanical code enforcement activity, supervision of mechanical inspectors or plans examination, performing plans examination for compliance and conducting inspections of structures

for compliance.

(7) Mechanical inspector and plan reviewer.

(a) A person shall be classified as a mechanical inspector and plan reviewer if the person has:

1. Been tested for competency under the Kentucky Residential Code and the Mechanical Code, by passing the following:

a. NCPCCI test modules:

(i) Test 4A Mechanical One- and Two-Family Dwelling;

(ii) Test 4B Mechanical General; and

(iii) Test 4C Mechanical Plan Review; or

b. ICC test modules:

(i) Test M1 Residential Mechanical Inspector; and

(ii) Test M3 Mechanical Plans Examiner; and

2. Complied with the requirements of this administrative regulation.

(b) A mechanical inspector and plan reviewer shall be qualified to perform all functions related to the enforcement of the mechanical requirements of the Kentucky Residential Code and the Mechanical Code including management of mechanical code enforcement activity, supervision of mechanical inspectors or plans examination, performing plans examination for compliance and conducting inspections of structures for compliance.

(8) Trainees and limited certificates.

(a) A person making inspections pursuant to a limited certificate shall be supervised by a Kentucky certified building inspector with a level I certification or higher.

(b) A person making inspections as a trainee without a certificate shall be supervised by a person with a level of certification equal to or higher than that which the trainee is pursuing.

(c) A trainee or a person with a limited certificate shall not issue permits, construction document approval letters, compliance letters or certificates of occupancy, or make any official or final determinations relating to the Kentucky Building Code.

(9) A person making inspections as authorized by this administrative regulation shall not overrule, supplant, or order corrections or alterations which conflict with the approved construction documents. If an inspector believes that the construction documents are wrong or that the construction is in violation of the code, the inspector shall immediately refer the matter to the certified building inspector responsible for approval of the construction documents for resolution.

(10) Upon application by a testing agency, a national code group, or by an applicant for certification, the department may recognize other examinations as equivalent to the listed NCPCCI or ICC examinations. The person or group submitting the examination shall demonstrate that the examinations cover the same codes and require the same level of knowledge as the NCPCCI or ICC examinations.

Section 8. Suspension and Revocation of Certification. (1) Formal written complaints concerning an inspector shall be submitted to the Department of Housing, Buildings, and Construction for review and authorized disciplinary action.

(2) Action shall not be taken against a building inspector governed pursuant to this administrative regulation until a hearing has been held upon request or waived in accordance with KRS Chapter 13B, and the commissioner determines based on investigation and evidence that the inspector is:

(a) Not enforcing the Kentucky Building Code;

(b) Not enforcing the Kentucky Residential Code;

(c) Improperly enforcing the code; or

(d) Violating his or her responsibilities as an inspector.

Section 9. Grandfather Clause. (1) A person who was certified as a building inspector, level I, II, or III, or who held a limited certificate on or before December 15, 1997 shall:

(a) Not be required to take additional test modules to renew the certification, if the person has maintained continuous certification since December 15, 1997; and

(b) Complete the continuing education requirements as established in Section 3 of this administrative regulation prior to renewal of the certificate.

(2) A person who was certified as of March 22, 2001, but who seeks to achieve a higher level of certification, shall comply with the testing modules required by this administrative regulation.

Section 10. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Continuing Education Verification Form", DHBC-BC/CE 1, October 2009;

(b) Initial Application Form", DHBC-BC/CP 1, October 2009; and

(c) "Certified Building Inspector Continuing Education Course Approval Request", DHBC-BC/CE 2, December 2012.

(2) This material may be inspected, copied or obtained, subject to applicable copyright law, at the Department of Housing, Buildings, and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5405, Monday through Friday, 8 a.m. to 4:30 p.m. (10 Ky.R. 257; eff. 9-7-1983; Am. 13 Ky.R. 1484; 2005; eff. 5-14-1987; 14 Ky.R. 632; eff. 11-6-1987; 18 Ky.R. 1415; 2258; eff. 1-10-1992; 24 Ky.R. 945; eff. 12-15-1997; 27 Ky.R. 2238; 2791; eff. 3-22-2001; 31 Ky.R. 1742; 1975; eff. 7-1-2005; 35 Ky.R. 191; Am. 563; eff. 9-24-2008; 36 Ky.R. 1126; 1488; eff. 2-5-2010; 2251; 37 Ky.R. 65; eff. 8-6-2010; 39 Ky.R. 1499; 1882; eff. 4-5-2013.)